



STATE OF WASHINGTON

COMMISSION ON HISPANIC AFFAIRS
COMISIÓN DE ASUNTOS HISPANOS

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December 18, 2003

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Antonio M. Ginatta,
Executive Director

Secretary Dennis Braddock
Department of Social and Health Services
MS 45010
Olympia, WA 98504-5010

Dear Secretary Braddock:

Thank you for taking the time to meet with us yesterday regarding the child care provider issue in Mattawa. We appreciate your desire to discuss with the Commission and Latino community stakeholders methods by which to avoid similar situations in the future. We hope that the Department (DSHS) will take the following steps to resolve some of our outstanding concerns about the method by which the investigations of the Latina child care providers in Mattawa were conducted, and about the overall treatment by the Department of those providers:

1. DSHS should apologize to the providers who were harmed by the intrusiveness and inappropriateness of the Division of Fraud Investigations (DFI) investigation. Many of these women were unjustly targeted by an overbroad fraud investigation; they have had their character sullied by newspaper articles and town gossip. Of greatest concern to the Commission, we have heard that the providers in Mattawa were treated differently based on the color of their skin. An apology by DSHS is the necessary first step in righting the relationship between the state and these providers.
2. DSHS should officially, in writing, notify all staff that the use of INS/ICE staff as interpreters, translators, or assistants of any kind is not acceptable and will not be tolerated. To do so is an *egregiously* culturally incompetent method of interaction with a community whose members may have immigration concerns. The state of Washington is not an immigration enforcement agency.

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3. DSHS should discipline, suspend, or terminate the parties at DFI responsible for the intrusive and inappropriate nature of the investigation. At minimum, the parties responsible for this fraud investigation: 1) harassed and intimidated providers and family members; 2) treated providers differently according to their ethnicity; 3) exceeded their subpoena authority; and 4) lost files crucially important to the providers. Such action should not be excused by DSHS.

4. DSHS should educate all DFI staff on cultural competence issues. The disparate treatment of providers that has been alleged to occur in this investigation, where English-language dominant, non-Hispanic white providers were treated courteously and respectfully and Spanish-language dominant Latina providers were intimidated and harassed, is unacceptable behavior by state employees. In no situation where immigration status is being investigated should immigration questions be asked only of "Latino looking" providers. There is no such thing as "looking" undocumented or "illegal." Furthermore, from now on, DFI will not undertake any investigation involving a particular cultural group without a team leader who is demonstrably trained in cross-cultural communication and culturally competent techniques.

5. DSHS should resolve the matter of the lost original documents of the providers. DSHS should put in place a team of culturally competent employees to assist with the recovery of original subpoenaed files that were later lost or misplaced. For the providers who lost critical original identification or immigration documents, DSHS should pay the costs of asking for replacement documents.

6. DSHS should review for clarity all applications, manuals, and training materials related to child care provision. All information in translated materials should match the information provided in the originals or the most up to date documents. All application materials and training manuals should clearly state any immigration status requirements.

7. DFI should review its investigative procedures. All investigations should have a clear plan and established limits to prevent the roving nature of the Mattawa investigation. DFI staff should be trained to not exceed their subpoena powers. If DFI finds the need to investigate a claim of fraudulent reimbursements due to "ghost" children, then it should not also use the investigation as an opportunity to investigate all other potential violations. From its genesis, this investigation was based on a fraud accusation by Mayor Esser due to "ghost" children. Once DFI determined this accusation was unfounded, then DFI investigated potential fraud or program violations for incomplete reimbursement forms, or malfunctioning fire alarms, etc. Once most of these

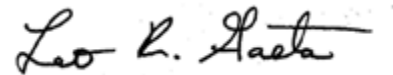
accusations were unfounded, DFI then turned to investigating the providers' immigration status. And once most Latina providers were cleared of any immigration status accusations, DSHS then proceeded to determine overpayments for those providers. We cannot help but feel that these providers were targeted by DFI, and if one claim could not stick, then another would be found. DSHS should not undertake retaliatory action or investigations.

8. DFI should be required to finalize its investigations in a timely manner. This matter has been active for almost two years. Many of the innocent providers are unsure of what the status of the investigation is, or whether they will be accused of some other wrongdoing. DFI must keep those persons under investigation informed as to the status of the case. DSHS should notify the cleared providers directly, in a language-appropriate manner, and in a timely manner that this investigation is complete.

Additionally, we hope that the report of the internal investigation of the Mattawa childcare providers be released in a timely manner. If it appears that the release of the report will be later than February, please keep us informed as to the problems causing the delay.

The Commission on Hispanic Affairs knows how important the work of DSHS is, how crucial its role as our state's safety net, and how vital its work is to our state's future success. We know that this is just one flawed investigation amidst innumerable successful programs. And we know that DSHS will move forward to correct the flaws of this investigation, and do the best possible to give respite to the Mattawa childcare providers from this unfortunate, two year process. We appreciate your willingness to address these items and would like to ask that you provide us a response to the points addressed above.

Sincerely,



Antonio Ginatta
Executive Director

Leo R. Gaeta
Chair

Cc: Eddie Rodriguez, DSHS